

IN THE COURT OF ADDITIONAL CHIEF METROPOLITAN
MAGISTRATE, DELHI

CC NO: 39 OF 2004

14/10/04

Securities and Exchange Board of India, a statutory body established under the provisions of Securities and Exchange Board of India Act, 1992, having its Head office at Mittal Court, B - Wing, 224 Nariman Point, Mumbai 400 021 represented by its Legal Officer, Shri Sharad Bansode.

...Complainant

VERSUS.

1. Sanklecha Agro Tech (Pvt) Ltd. a Company incorporated Under the Companies Act, 1956, having its Regd. Office at : Bhati Market, 1st Floor, Main Mandia Road, Pali- Marwar-306401, Rajasthan.
2. Shri Magraj Jain S/o late Sh. M.L.Jain, Director of Accused No.1, R/o:1A 29, Kamla Nehru Nagar, Pali- Marwar-306401, Rajasthan.
3. Shri Jitendra Gugalia S/o Late Shri G.L.Gugalia, Director of Accused No.1, R/o: 16, RUI-KATLA, Pali- Marwar-306401, Rajasthan.
4. Mrs. Shoba Devi Jain W/o Shri Mool

P.O. Order dt 28/8/08

P.O. Order dt 28/8/08

P.O. Order dt 28/8/08.

ATTESTED

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Examiner

Date Copying Agency (sessions)

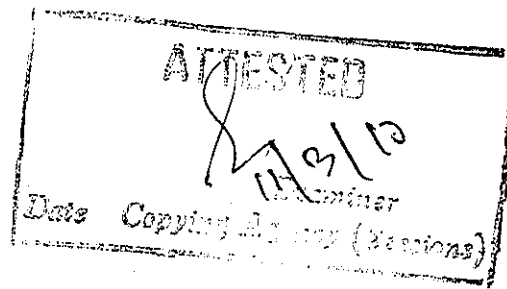
Chand Jain, Director of Accused No.1,

R/o: 3/314, Kamla Nehru Nagar, Pali-

Marwar-306401, Rajasthan.

.....Accused

**COMPLAINT UNDER SECTION 190 AND SECTION 200 OF THE CODE OF CRIMINAL
PROCEDURE, 1973 READ WITH SEC. 24(1), 27 OF SECURITIES AND EXCHANGE
BOARD OF INDIA ACT, 1992**



CC no. 63/09

SEBI Vs. Sanklecha Agro

9.10.2009

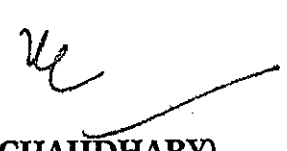
Present : Sh. Sanjay Mann, counsel for SEBI.

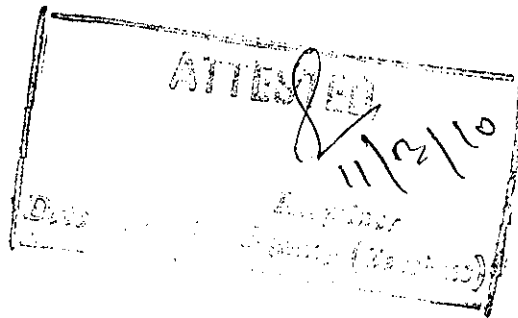
Accused no. 1 is company.

Remaining accused are PO.

Statement of CW 1 Sh. Arvind Kumar AGM SEBI recorded.

In view of the statement of CW 1, I am of the view that there is sufficient evidence on record against all the accused. File is consigned to Record Room u/s 299 Cr. P.C. to be revived as and when the accused are arrested or appear.


(POONAM CHAUDHARY)
ASJ(Central-01)/DELHI.
9.10.2009





CC No. 63/09

SEBI Vs. Sanklecha Agro Tech Ltd.

**CW 1 Statement of Sh. Arvind Kumar Asst. General Manager SEBI Northern
Regional office 5th floor Bank of Baroda Building 16 Sansad Marg New
Delhi.**

On SA

I am working as Asst. General Manager (AGM) SEBI and I am competent to file prosecution on behalf of the complainant SEBI and continue prosecution on behalf of SEBI. The SEBI vide delegation of power dated 21.04.2003 authorized people of rank of manger and above to initiate prosecution on behalf of the SEBI. Since I am working as AGM senior to the manger I am competent to continue to this prosecution on behalf of the SEBI. The certified copy of the delegation of power dated 21.04.2003 is Ex. CW 1/1. In the nineties various entrepreneur undertook plantations activities on commercial scale and issued various plantations bonds/scheme and mobilized thousands of crores of rupees from general public. It was further notice that promoters of those scheme were investing minimum amount themselves and were mobilizing substantial funds from general public by offering lucrative returns coupled with questionable claims of fiscal incentives. The initial success of these company mushrooming of such schemes throughout the country. The govt. of India vide press release dated 18.11.97 convened that such schemes shall be treated as collective investment scheme and shall be regulated under the provisions of SEBI Act, 1992. SEBI was directed to frame regulations for the investors protection and promotion of legitimate investments activities. SEBI vide public notice dated 18.12.1997

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Addl. Sessions Judge
(Criminal)
Ct. No. 1

and also through press release dated 26.11.97 called upon such entities to file information regarding mobilization of funds by such entities under various scheme of the promoters of such scheme and also promoters/director of the entities. Accused no. 1 company vide letter dated 15.12.97 inter alia informed the SEBI about its directors i.e accused no. 2, 3 and 4 namely Sh. Mag Raj Jain, Sh. Jitender Gugalia and Mrs. Shoba Devi Jain and also informed about its various activities in field of farming plantations etc. they also forwarded general information about the company, auditors report, and also informed that the accused no. 1 company had mobilized a fund of Rs. 3,18,250/- under its agro bonds schemes. The said letter was forwarded by the accused no. 1 company under the signature of its director Mrs. Shoba Devi Jain. Letter dated 15.12.97 along with its annexures consisting of 16 pages is Ex. CW 1/2. Subsequently SEBI wrote a letter to accused no. 1 company dated 27.02.98 and intimated the accused directions issued by the SEBI under section 11 B read with section 12(1B) of the SEBI act. and thereby had directed the accused not to mobilized any money from the public or from the investors under the existing schemes unless complying with pre-requisite conditions mentioned therein. The office copy of letter dated 27.02.98 is Ex. CW1/3. Further Vide letter dated 30.06.98 the SEBI further asked the accused company to furnish various information mentioned therein, the office copy of letter dated 30.06.98 is Ex. CW 1/4. in pursuance thereof the accused no. 1 company submitted vide their letter received by SEBI dated 3.12.98 details that are certified copy of memorandum and articles of association, audited balance Sheet, details of the directors and a compliance certificate confirming therein

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that accused company will not float new schemes and under taking that the accused shall comply with further directions of the SEBI. The said letter received on 3.12.98 is Ex. CW 1/5. SEBI collective investments scheme regulation 1999 were notified on 15.10.99, the intimation of the same was given to the accused vide press release dated 20.10.99 and also through specific letter addressed to accused no. 1 company, the office copy of the said letter is Ex. CW 1/6. The statutory obligation under the SEBI CIS regulation 1999 were communicated to the accused vide public notice dated 10.12.99, the same was published in major national daily newspapers and also vernacular. The same was also published in the "Hindustan Times" dated 19.12.99. The copy of the same is Ex. CW/ 1/7 and also through specific letter dated 10.12.99, the office copy of the same is Ex. CW 1/8 and also through letter dated 29.10.99 office copy of the same is Ex. CW 1/9. Since accused were not complying with the statutory provisions as prescribed under the SEBI act and regulation made there under, the SEBI issued Show cause notice dated 12.05.2000 to the accused, the office copy of the same is Ex. CW 1/10. Since accused company did not reply to the show cause notice, a format of winding up and repayment report was forwarded to the accused company vide letter dated 31.07.2000, office copy of the same is Ex. CW 1/11. Since the accused company and directors their under and people In-charge and responsible for accused no. 1 company did not comply with the statutory provisions, the SEBI through its chairman issued directions under section 11 B of the SEBI act to refund all money collected in various schemes as per original offer within one month of the said directions and etc., the office copy of the directions is Ex.

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CW 1/12. The said directions were forwarded to the accused company vide letter dated 18.12.2000. the office copy of the said letter is Ex. CW 1/13. The contents of the directions were also got published through public notice dated 7.12.2000 in all major national dailies and also in vernacular newspapers. The same was also published in the Hindustan Times dated 14.01.2001, the copy of the same is Ex. CW 1/ 14. (Original seen and returned). The name of the accused no. 1 company is at serial no. 392 at mark A

Despite intimation through public notice and specific letters addressed to the accused, the accused till date has not complied with the statutory provisions, the winding up and repayment report has not been filed till date. The accused have not complied with the direction issued under section 11 B of the SEBI act. The accused were never given registration by SEBI provisionāl or otherwise to sponsor or caused to be sponsored collective investment schemes and mobilize funds from general public.

All accused are PO.

RO & AC

(POONAM CHAUDHARY)
ASJ(Central - 01)/Delhi.
09.10.2009.

